

1 be well briefed. And if it was necessary to engage
2 with people at the District or staff, that I would
3 help facilitate that engagement.

4 Q Was your understanding that you would
5 actually get involved in responding to the Letter of
6 Inquiry?

7 A No, it was not my understanding.

8 Q Did you ever point that out to anybody?

9 A Point what out to anybody?

10 Q That you were not going to be involved in
11 responding to the letter? That you would not be
12 working on providing responses?

13 A I'm not sure I understand what you mean.

14 Q Did you tell, say, Ernie Sanchez that you
15 would not be responding to providing -- getting
16 involved in providing responses to the Letter of
17 Inquiry?

18 A My recollection was I told Ernie, "Ernie,
19 I'll do my best to get things going. I don't know any
20 of this. I didn't happen on my watch." And as I said
21 at my deposition I was operating on a lot of trust.

22 JUDGE SIPPEL: I'm sorry. This letter
23 said, and this is Mr. Sanchez' letter of March 6th.
24 And it says in writing to Ms. Blair at the FCC, among
25 things he's saying that, "SFUSD wishes to involve the

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1 new General Manager," that being you, "in all matters
2 relating to the license or renewal." That's you.
3 "Including response to your Letter of Inquiry."

4 And I take it from what you're testifying
5 here today is that that was wrong?

6 THE WITNESS: I think he wanted me to make
7 sure that perhaps I gave a stab at a response and that
8 I would oversee the process and facilitate the process
9 so that whatever information needed to get to the FCC
10 would be done in a timely manner.

11 JUDGE SIPPEL: Well, that's a little bit -
12 -

13 THE WITNESS: I can't interpret -- excuse
14 me. I'm sorry. I didn't mean to interrupt.

15 JUDGE SIPPEL: No, you're not interrupting
16 me. I'm simply saying that it seems to be -- I mean
17 these words must have been selected pretty carefully.
18 And he's saying that, obviously, there was an
19 intention to include you in the response to the Letter
20 of Inquiry. And yet your testimony here was that you
21 felt that it didn't happen on your watch and that you
22 would generally oversee the process, perhaps, but that
23 you didn't -- I heard you to mean what you said that
24 you were not going to get involved with the Letter of
25 Inquiry. Now, am I wrong?

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1 THE WITNESS: I gave an initial stab at
2 trying to get the process moving.

3 JUDGE SIPPEL: Right. You testified to
4 that.

5 THE WITNESS: Yes.

6 JUDGE SIPPEL: But that's not necessarily
7 saying that you were going to include yourself in the
8 response to the Letter of Inquiry?

9 THE WITNESS: That's correct.

10 JUDGE SIPPEL: Well, what was your
11 understanding or what is your recollection of what
12 your situation was as of March 6th with respect to the
13 Letter of Inquiry or your response to that inquiry?

14 THE WITNESS: Right.

15 JUDGE SIPPEL: What was your position at
16 that point? What was your status?

17 THE WITNESS: My status was to really urge
18 this process along and try to get a response in a
19 timely manner from staff.

20 JUDGE SIPPEL: All right. Did that ever
21 change? Did it ever change to the point where you
22 actually got yourself actually involved in the
23 response to the Letter of Inquiry?

24 THE WITNESS: It did on March 8th when I
25 made that stab that I'm telling you about.

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1 JUDGE SIPPEL: All right. Now we've
2 gotten from there to March 8th. Are we okay?

3 MS. LEAVITT: Yes, Your Honor. Thank you.

4 JUDGE SIPPEL: All right. Go ahead. You
5 pick it up from there.

6 BY MS. LEAVITT:

7 Q Ms. Sawaya, I'm drawing your attention to
8 EB Exhibit 20. It's a March 8, 2001 memorandum but it
9 looks like KALW letterhead.

10 I'm sorry. I want to draw your attention
11 -- I'm sorry. This will just be a moment. To EB
12 Exhibit 17 and it looks like an email, subject: KALW,
13 dated -- could you read that, please?

14 A Yes. It says "Nicole and Bill called today
15 to review their work on the FCC's questions. They will
16 be sending draft answers by the end of the week. They
17 are pleased we are asking for the 30 day extension."

18 Q Why do you think Mr. Sanchez would have
19 thought that you were going to be sending draft
20 answers by the end of the week on March 6th, the day
21 this email was sent?

22 A Perhaps he had inquired of Bill and I to
23 make a stab at making some draft answers to this.

24 Q So as of March 6th you had told him that
25 you were going to be making some draft -- you were

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1 going to be providing draft answers, correct?

2 A I don't know if I was that precise, but I
3 certainly assured him that we would do our best to
4 make sure that there was a response in a timely
5 manner.

6 Q Were you pleased that Mr. Sanchez would be
7 asking for a 30 day extension to file a response to
8 the Letter of Inquiry?

9 A Well, I must have been because the clock
10 was ticking.

11 MR. SHOOK: Your Honor, can you indulge us
12 for a minute, please.

13 JUDGE SIPPEL: Well, yes. And while
14 you're doing that, I want to ask. I mean, it seems to
15 me if Mr. Sanchez had it right and he wrote on 6
16 March, 2001 to his associate that you were actively
17 involved in sending draft answers to the LOI, you
18 personally were, you and Bill Helgeson. Do you read
19 it that way.

20 THE WITNESS: I don't know how to
21 interpret it, Your Honor. I read it that Nicole and
22 Bill called -- more likely, I was the den mother
23 saying let's call -- let's continue to get briefed.
24 This is part of a huge issue, very complex. And
25 perhaps Mr. Sanchez was relieved that somebody was

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1 working with Bill, somebody in a position of
2 management to further this process.

3 JUDGE SIPPEL: All right. Well, it isn't
4 that -- I mean, it could be the fact that you are one
5 of two that are sending draft answers doesn't
6 necessarily mean that you were actually doing the
7 preparing the draft answers or any part therefore. So
8 I don't think -- I think I understand your answer.

9 You were going to go to something else?

10 MS. LEAVITT: Yes, Your Honor.

11 BY MS. LEAVITT:

12 Q The next exhibit should be EB 18. It's an
13 email from Mr. Sanchez to Mr. Helgeson, dated March 7,
14 2001 and its subject line is "Public file inspection
15 requirements." And it starts off: "Bill, it was good
16 talking to you and Nicole yesterday."

17 Do you recall speaking with Mr. Sanchez on
18 March 6th, Ms. Sawaya, which would have been the day
19 before March 7th? And if you would like to refresh
20 your recollection, you can look at SFUSD Exhibit 16
21 page 1. Is that your handwriting in block six, the
22 block that has six?

23 A I'm sorry. That's not my Exhibit 16.

24 MR. PRICE: She's referring to SFUSD
25 Exhibit, and it's going to be in the document on your

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1 left.

2 THE WITNESS: I'm sorry.

3 MR. PRICE: Is this daily calendar again?

4 MS. LEAVITT: Yes, it is. Is it easier
5 just to refer to it as the calendar?

6 JUDGE SIPPEL: Now what's your question
7 with respect to the calendar?

8 BY MS. LEAVITT:

9 Q Is that your handwriting, Ms. Sawaya, that
10 at 9:00 a.m. Bill --

11 A On the 6th?

12 Q Yes.

13 A Yes, that is my handwriting.

14 Q And do you recall what you were doing with
15 Bill at 9:00 on that day?

16 A I do not.

17 Q Did you have a telephone call with Mr.
18 Sanchez, perhaps?

19 A Quite possibly.

20 Q Do you know what you would have discussed
21 with Mr. Sanchez if you had a call with him on that
22 day?

23 A More likely the license challenge.

24 Q Okay.

25 MR. SHOOK: Your Honor, could you give us

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1 a minute, please?

2 JUDGE SIPPEL: Certainly. Let's go off
3 the record.

4 (Whereupon, at 6:00 p.m. off the record
5 until 6:02 p.m.)

6 JUDGE SIPPEL: Ready?

7 MS. LEAVITT: Yes, we can go back on the
8 record.

9 JUDGE SIPPEL: Well, we're on the record.
10 (Laughter).

11 MS. LEAVITT: Sorry.

12 JUDGE SIPPEL: We're definitely about
13 that.

14 MS. LEAVITT: Oh, if only.

15 BY MS. LEAVITT:

16 Q Okay. I'm sorry. Turning back to EB
17 Exhibit 17, which is the March 6th email, Mr. Sanchez
18 is indicating Nicole and Bill called today, the 6th,
19 to review their work on the FCC's questions. What
20 work had you been doing as of March 6th on the FCC
21 questions?

22 A Trying to respond to them.

23 Q In what fashion? What were you actually
24 doing to try to respond to the questions? Did you
25 start looking at the public inspection file?

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1 A Well, certainly upon learning about the
2 license challenge, I said to Bill -- and I believe I
3 said that in my deposition, all right, Bill, show me
4 the public inspection file, what's going on. So I
5 began to acquaint myself with that.

6 And then I, obviously, must have read the
7 Letter of Inquiry. And started to get the narrative
8 from Bill since, again, I wasn't there at the time.
9 Now all right, how do we answer this to that.

10 I believe as I stated in my direct
11 testimony, that at one point I did pull the ownership
12 reports, that file and just tried to match up question
13 to what was in the file and try to be as straight
14 forward as possible, given my limited knowledge.

15 Q So what narrative did Mr. Helgeson give
16 you?

17 A Bill told me about the Loma Prieta
18 earthquake.

19 Q Yes.

20 A What that meant to the station, what that
21 meant to the station's possible holes in record
22 keeping, perhaps. Physically what had happened to the
23 station.

24 He told me the narrative of -- a little
25 bit about Golden Gate Public Radio, but not in depth.

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1 Q Did he tell you about the August 1, 1997
2 renewal application?

3 A I don't believe he did. I don't -- at that
4 time it was so confusing. I couldn't tell the
5 difference between some of the documents. There was so
6 much that I was still getting acquainted with. So he
7 might have said there was a renewal application. I
8 can't be sure.

9 Q Did you give you this narrative in
10 writing?

11 A Oh, no.

12 Q So he told you this, was it in person?

13 A Yes.

14 Q And when you looked in the public
15 inspection file did you see ownership reports?

16 A I did.

17 Q Did you see ownership reports for January
18 31, 1999, July 31, 2000 and January 31, 2001?

19 A I believe I did. I'm not sure.

20 MR. PRICE: Is there a document you can
21 direct the witness to help speed this along?

22 MS. LEAVITT: Yes. Yes.

23 BY MS. LEAVITT:

24 Q EB Exhibit 21. The March 8, 2001 memo.

25 A I don't have anything there.

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1 MR. PRICE: One of the previous witnesses
2 must have absconded with exhibits.

3 (Laughter).

4 MR. PRICE: I got my copy.

5 JUDGE SIPPEL: We have our own public
6 information problems here.

7 (Laughter).

8 JUDGE SIPPEL: We'll go off the record.

9 (Whereupon, at 6:06 p.m. off the record
10 until 6:07 p.m.)

11 JUDGE SIPPEL: Do you now have the
12 exhibit?

13 THE WITNESS: I do, Your Honor.

14 BY MS. LEAVITT:

15 Q Ms. Sawaya, do you recognize this
16 document?

17 A I do.

18 Q And what is it?

19 A It is a memo that I wrote to Ernie
20 Sanchez, dated March 8, 2001.

21 Q And what prompted you to prepare this
22 memo?

23 A What prompted me was a Letter of Inquiry
24 from the FCC.

25 Q And are these your responses to the Letter

1 of Inquiry questions?

2 A They were my initial stab.

3 Q Let's look at question one. You've
4 written no and missing was ownership reports. And it
5 talks about ownership reports. How did you arrive at
6 this information?

7 A I believe by pulling out the file and
8 looking at it.

9 Q So you found in the file the December 10,
10 1997 dated report for the ownership report for January
11 31, 1993?

12 A I'm sorry. Could you repeat that, please?

13 Q Yes. It says -- hang on one second. Let
14 me get the LOI. EB Exhibit 15 page 2.

15 A Can I take it out.

16 Q Yes.

17 MR. PRICE: You're the last witness, so I
18 guess if you take it, it's okay.

19 (Laughter).

20 THE WITNESS: No, I don't want it. I mean
21 -- I mean can I just -- it's confusing to look at one
22 and go back to the other.

23 MR. SHOOK: Whatever helps you pick it up
24 easier.

25 BY MS. LEAVITT:

1 Q You've seen this document before, right,
2 Ms. Sawaya?

3 JUDGE SIPPEL: Which one are you referring
4 to now?

5 THE WITNESS: Yes, please.

6 BY MS. LEAVITT:

7 Q EB Exhibit 13 the Letter of Inquiry.

8 A I have seen this document before. Yes, I
9 have, ma'am.

10 Q And this is the document that you saw when
11 you first started working at KALW, correct?

12 A Yes.

13 Q The reference is the LOI? And on page 2
14 of the LOI there's the direction that SFUSD respond to
15 the following questions. And the first question was on
16 August 1, 1997 when the subject license renewal
17 application was filed, did the KALW(FM) public
18 inspection file contain all of the ownership and
19 supplemental ownership reports required to be kept in
20 the file by then §73.3527.

21 A I see that yes.

22 Q Okay. Now referring to EB Exhibit 21 your
23 March 8th memo re: KALW and FCC letter you have
24 indicated in item one what's enumerated as item in
25 response to the letter from the FCC: No. And you

1 indicate that the public inspection file was missing
2 ownership report for January 31, 1993, was put in the
3 file December 10, 1997 and missing was ownership
4 report January 31, 1995, was put in file December 10,
5 1997. And then you've got parenthetically "See
6 enclosed copies."

7 And I'm just wondering how did you arrive
8 at that understanding? How did you know to indicate
9 that?

10 A I guess I matched up when they were signed
11 and dated.

12 Q Based on your personal review of the
13 public inspection file?

14 A Based at looking at the ownership reports.

15 Q In the public file?

16 A Correct.

17 Q Okay. So you also indicate based on your
18 inspection of the public inspection file also missing
19 were January 31, 1999, July 31, 2000 and January 31,
20 2001. I presume you were referring to ownership
21 reports?

22 MR. PRICE: Compound question.

23 JUDGE SIPPEL: I agree, but can you handle
24 it?

25 (Laughter).

1 THE WITNESS: I can handle it, Your Honor.

2 I believe I was trying to respond to the
3 FCC who that was actually number one is about
4 ownership reports. So, yes, it must have been
5 ownership reports.

6 BY MS. LEAVITT:

7 Q So you noticed the public file was also
8 missing ownership reports for '99, 2000 and 2001 and
9 so you enclosed originals?

10 A It does say that.

11 MR. PRICE: Objection. I mean, the middle
12 sentence you skipped and then paraphrasing of the
13 paragraph.

14 MS. LEAVITT: Okay.

15 BY MS. LEAVITT:

16 Q You indicated that the ownership -- I
17 assume that you indicated that the ownership reports
18 for January 31, '99, July 31, 2000 and January 31,
19 2001 were completed and signed?

20 A Yes.

21 Q How did you obtain copies of those reports
22 for 1999, 2000 and 2001?

23 A To the best of my recollection they must
24 have been in the file.

25 JUDGE SIPPEL: Well, if I may interject

1 something here a little bit. But this indicates that
2 the originals, these were not copies these last three
3 dates that you mentioned, enclosed are originals.
4 Your recollection is that the originals were sitting
5 in the file or having been placed in the file?

6 THE WITNESS: I don't have that
7 recollection, Your Honor. I -- I --

8 JUDGE SIPPEL: Well, you wrote this memo.

9 THE WITNESS: -- at the time -- exactly
10 right, I did. And --

11 JUDGE SIPPEL: I take it that they would
12 have been --

13 THE WITNESS: I take it that they were the
14 original that were enclosed in the file, if I said
15 that.

16 BY MS. LEAVITT:

17 Q Well, if you look to the originals that
18 are the attachments to this file -- I'll give you
19 copy. Yes, the copy of what was attached. There are
20 five pages -- six pages, I'm sorry. And the second
21 page -- the first second page of the memo -- or the
22 first page of the enclosures -- I'm sorry. Says
23 January 31, 1999 and if you go to the third page of
24 the exhibit it says that it was dated March 7. 2001
25 and it's Jackie Wright's signature.

1 A Could you please tell me where I'd find
2 that?

3 Q Yes. If you look at EB Exhibit 22, which
4 is your March 8th memo, it references attachment. And
5 if you go to the second page of that exhibit --

6 MR. PRICE: Just page 2 of the exhibit.
7 You're on the right --

8 BY MS. LEAVITT:

9 Q Yes. On the second page of the exhibit--

10 A Right.

11 Q -- is an FCC 323E Ownership Report For
12 Noncommercial Education Broadcast Station. And then
13 if you kind of look to the right of that, it says "All
14 the information furnished is reported as of January
15 31, 1999."

16 A Correct.

17 Q And then you go to the second page where
18 it's got the certification in the middle. As a
19 representative of the licensee San Francisco Unified
20 School District it has Jackie Wright's signature.

21 A Correct.

22 Q And it's dated March 7, 2001.

23 A Correct.

24 Q So it appears that the originals were
25 signed, these were in fact the originals that you had

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1 attached with your memorandum, that they would have
2 been signed on March 7, 2001 by Jackie Wright?

3 A Correct.

4 Q And do you recall how you came to be in
5 possession of these two pages that we've just
6 reviewed, pages 2 and 3 of the exhibit?

7 A How I personally came to be in possession
8 of it?

9 Q Yes. Like how you were able to actually
10 include it in your first response and then attach them
11 to the memorandum? Did you ask Jackie Wright to sign
12 them?

13 A I don't recall specifically asking Jackie
14 Wright to sign them. I believe this was part of the
15 process of getting the public inspection file and the
16 ownership reports up to date. That ties in directly
17 with my response to the Letter of Inquiry.

18 Q Did you type this ownership report, pages
19 2 and 3 of the exhibit?

20 A I don't think I did.

21 Q Do you know who might have?

22 A I tend to be stickler for spelling and I
23 notice here that says "Unifed School District." So --

24 Q (Laughter).

25 A I can't be sure. It might have been Bill

1 Helgeson. It might have been a volunteer that often
2 times helped Bill with some of the administrative
3 duties.

4 Q So you don't recall -- do you recall how
5 you actually got this document, pages 2 and 3 of the
6 exhibit? Did you get it from Mr. Helgeson?

7 A I think we were all there and he must have
8 printed this out and wanted to put everything up to
9 date. We got Jackie over and she signed it.

10 Q Similarly for pages 4 and 5 of the
11 exhibit, which is an ownership report for July 31st,
12 2000 and then the following page as Jackie Wright's
13 signature and the date of 3/7/2001. Do you recall how
14 you came up with that document? How you acquired that
15 document?

16 A In the same manner that I must have
17 acquired the previous one.

18 Q And would that be true for the January 31,
19 2001 ownership report, dated March 7, 2001, signed by
20 Jackie Wright?

21 A I assume that probably that is correct as
22 well.

23 MS. LEAVITT: Your Honor, I think I've
24 reached my limit for the day.

25 (Laughter).

1 JUDGE SIPPEL: All right. Let's go off the
2 record.

3 (Whereupon, at 6:19 p.m. off the record
4 until 6:20 p.m.)

5 JUDGE SIPPEL: I've decided that this is
6 the time that we should recess until tomorrow morning.
7 It's 20 after 6:00.

8 I got to just alert you to the fact that
9 I have a sequestration order in this case. You're not
10 to talk about your testimony with any of the other
11 witnesses who are testifying. In fact, don't talk
12 about your testimony while you're on the stand here
13 with anybody except your lawyers. All right. Your
14 attorneys.

15 We're going to meet tomorrow then and
16 start at 9:15. And we'll just move it along, if
17 that's okay.

18 Thank you very much.

19 MS. LEAVITT: Thank you, Your Honor.

20 (Whereupon, the hearing was adjourned at
21 6:21 p.m., to reconvene tomorrow morning at 9:15 a.m.)
22
23
24
25

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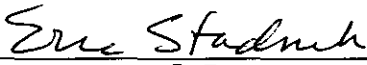
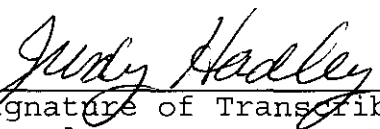
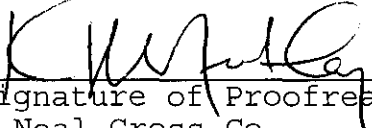
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Place of Hearing

JUNE 9, 2005

Date of Hearing

We, the undersigned, do hereby certify that the foregoing pages, numbers 1054 through 1347 inclusive, are the true, accurate and complete transcript prepared from the reporting by Eric Stadnik (Reporter's Name) in attendance at the above identified hearing, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription statement of Work and have verified the accuracy of the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the hearings and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the hearing or conference.

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